

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 19th day of October, 2009 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT:	Tommy Knight, Jay Attaway, Vickie Abrego, Phillip Hyatt,	Mayor Mayor Pro Tempore Council Member Council Member
ABSENT:	Karen Mayer,	Council Member
ADMINISTRATIVE PERSONNEL PRESENT:	Reggie Winters, Allen Lawrence, Ada Owens,	City Manager City Attorney City Secretary
ADMINISTRATIVE PERSONNEL ABSENT:		
STAFF PRESENT:	Bill Haines, Paul Alvarado, Frank Truitt, Rickie Kilgore,	Asst. Police Chief Public Works Director City Inspector Fire Chief
OTHERS PRESENT:	Lu & Ralph Arcemont, Jim & Alpha Covington, Sissy & Sandy Kubek, Marilyn Rimer/Herald newspaper, Jennifer Merkle, Dusty Buiriola, Don Smith, Bill & Michel Smith, Michal Cary/Progress newspaper	

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on October 19, 2009.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

ITEM 3. CONSIDER AND ACT ON APPROVAL OF MINUTES OF SEPTEMBER 9, 2009.

Mayor Pro Tem Attaway made the motion to approve the minutes of September 9, 2009. Council Member Hyatt seconded the motion and the motion carried unanimously.

ITEM 4. CONSIDER AND ACT ON ORDINANCE 2009-3965 – GRANTING A CONDITIONAL USE PERMIT TO OPERATE A KID’S INDOOR AMUSEMENT FACILITY ON LANDBLOCK 540, LOT 4, 5 AND NW 46’ OF LOT 6, N. COMMERCIAL ST., ARANSAS PASS, TEXAS, SUBJECT TO CONDITIONS SET FORTH.

After a short discussion regarding the conditions set forth on Ordinance 2009-3965, Mayor Pro Tem Attaway made the motion to approve Ordinance 2009-3965, granting a Conditional Use Permit to operate a kid’s indoor amusement facility on Landblock 540, Lot 4, 5 and NW 46’ of Lot 6, N. Commercial St., Aransas Pass, Texas, Subject to conditions set forth. Council Member Hyatt seconded the motion and the motion carried unanimously.

ITEM 5. CONSIDER AND ACT ON APPROVAL OF RESOLUTION 2009-622 – APPROVAL OF THE CONSTRUCTION OF A BUILDING FOR THE NUECES COUNTY APPRAISAL DISTRICT.

Council Member Abrego made the motion to approve Resolution 2009-622, approval of the construction of a building for the Nueces County Appraisal District. Mayor Pro Tem Attaway seconded the motion and the motion carried unanimously.

ITEM 6. CONSIDER AND ACT ON FUTURE USE OF THE ARANSAS PASS COMMUNITY PARK SOFTBALL FIELDS.

Roland Pena stated he had leased the softball fields the past four or five years, taking over after Raul Dominguez left the softball fields. He explained his maintenance and use of the softballs fields for softball games. He stated he had only made money from the softball fields the last two seasons. Mr. Pena explained the various charges for the games and concessions. He stated he had donated over 200 feet of fencing for the left side of field number one. He stated he wanted to keep the prices (he charges) as low as possible for the participants and audiences and would consider going in halves with the City.

Mayor Knight asked Mr. Pena what was he charging the teams to play?

Mr. Pena stated \$150.00 per season, per team.

Council Member Abrego stated to Mr. Pena that he had made money the last two seasons but had only paid the City \$600.00.

Mr. Pena stated no, for one of the fees for a month, he had an electrician (do work on the softball field lights) because there had not been any upkeep in awhile. He stated all he had gotten from City Manager Tom Ginter was one truckload of dirt for one field. Mr. Pena described the poor condition of the softball playing fields.

Council Member Abrego asked Mr. Pena did he have the receipts (for the electrical repairs)?

Mr. Pena stated no, he was not organized enough to keep receipts. He stated he had some receipts the City had given him (for lease payment on the softball fields).

Mayor Knight stated the City should forget the past and make an agreement with Mr. Pena or table (the item) until the next meeting. He stated the City should start anew with Mr. Pena (with a new agreement for the softball fields) and make sure the City gets reimbursed.

Mr. Pena discussed donations made to the softball teams and his maintenance of the softball fields.

Mayor Pro Tem Attaway stated it was not the City's responsibility to maintain the fields, that was Mr. Pena's responsibility.

Mr. Pena stated yes, the inside but not the outside, the fence work and the lights which deteriorate without use.

Council Member Abrego asked was the field covered by the City's insurance?

The City Manager stated he had spoken with the City's insurance carrier TML who said Mr. Pena was a "for profit organization" and he would have to purchase his own liability insurance.

Mr. Pena stated the former Public Works Director, Darren Gurley, had told him the City's insurance covered the softball fields.

Mayor Knight asked City Attorney Allen Lawrence if someone was hurt on the softball fields, would the City be held liable?

Mr. Lawrence stated absolutely.

Discussion was held on Mr. Pena not having a contract with the City for use of the softball fields.

Mr. Lawrence stated there was a contract drawn up, but he had found that no one had ever signed the contract.

Council Member Abrego asked Mr. Pena was he still having games at the softball field?

Mr. Pena stated yes, he was having a game now.

Mayor Pro Tem Attaway stated the City was going to have to shut him down.

Mayor Knight stated the taxpayers of Aransas Pass could not be put at risk if there were injuries on the softball field and they sued the City.

Mr. Pena stated he did not understand why (liability insurance) was not an issue before. He stated he would like to get (the insurance) taken care of, if that was the problem.

Mr. Pena asked what would the Council have him pay for using the softball fields?

